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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:

Jacobs et al.

Serial No.: 09/975,350

Group Art Unit: 1615

Filing Date: October 11, 2001

Examiner: Theresa Frederick

For: COMPOSITIONS COMPRISING MODAFINIL COMPOUNDS

DATE OF DEPOSIT: May 22, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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FOR PATENTS, WASHINGTON, DC 20231.

*Patricia A. Sexton*

Printed Name: Patricia A. Sexton

Assistant Commissioner for Patents  
Washington DC 20231

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. § 1.56(b).

1a.  In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above-identified application as set forth in § 1.491, or before the mailing date of a first Office Action on the merits of the above-identified application whichever occurs last, no additional fee is required.

b.  In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first, therefore:

Certification in accordance with § 1.97(e) is attached; or

The fee of \$180.00 as set forth in § 1.17 (p) is attached.

The Commissioner is authorized to charge payment of the fee of \$180.00 as set forth in § 1.17(p) from Deposit Account No. 03-1195.

c.  In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the period specified in § 1.97(d) but on or before the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of \$130.00 as set forth in § 1.17(i)(1).

d.  In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second after final rejection, therefore:

Certification in Accordance with § 1.97(e) is attached; or

The fee of \$180.00 as set forth in § 1.17 (p) is attached.

The Commissioner is authorized to charge payment of the fee of \$180.00 as set forth in § 1.17(p) from Deposit Account No. 03-1195.

2a.  Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

b.  Copies of references listed on the attached Form PTO-1449 are enclosed herewith, EXCEPT THAT:

In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:
- Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .
  - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

3a.  All listed references are in the English language.

b.  References **B2** and **B3** are not in the English language and enclosed are:  
\_\_\_\_\_X English translations  
\_\_\_\_\_       an English language abstract  
\_\_\_\_\_       a concise explanation of its relevance

Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195. This sheet is provided in duplicate.

Date: May 22, 2002

  
\_\_\_\_\_  
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